

**ZONING BOARD OF APPEALS MEETING**  
**Dan Czelusta, March 18, 2014**

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 PM.

**PRESENT:** Chairman DeWitt, Members: Dumke, Gaffney, and Schumacher, CEO Czechowski, Keith Sitzman, Dan, Nicole, Zachary and Kalen Czelusta.

**ABSENT:** Tom Kirszenstein

The purpose of this public hearing: Dan Czelusta, 1677 Meadow Dr. is seeking to erect a second story residential addition 6.77 feet from the side yard line, but Village Code section 210-17D (1)(b) requires a minimum setback of 8 feet.

At this point Chairman DeWitt opened the Public Hearing to the audience.

Dan addressed the board on the reasons for his request. The only feasible location for expansion is an addition off the attached garage, on the north end of the house. The back (east side) has a deck and pool, the west is the front of the house, and the south has no room for expansion. To construct an addition on top of the existing one and a half story dwelling would violate both Village and State codes. The addition would create 3 bedrooms for his expanded family.

Bob Dumke – only one closet in drawings? Dan – only one room with closet, will use dressers for storage.

CEO Czechowski noted that the first public notice said the set back was 6.84 ft, but was corrected on the second public notice to read 6.77 feet.

Brian Schumacher- is the addition sitting on an already existing foot print? Dan – yes we are extending the existing wall back 15 feet. The neighbor across the street and next door have split levels with additions above the garage.

CEO Czechowski – the issue is that he can not extend up, as that would create a third story, which would create conflicts with Village and NYS codes, and it would also look out of place.

Bob Dumke – would it be blocking anything? CEO Czechowski – no, and no comments were received from the neighbors.

Brian Schumacher – the neighbors have done the same thing, and I think they look great.

CEO Czechowski – the garage is at a slight angle. It does not run parallel to lot line, gets closer as it goes back.

**MOTION** by Robert Dumke, seconded by Charles Gaffney, to close the public hearing. Carried

At this time Chairman DeWitt proceeded to review the six criteria for the requested variance.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No**, as Mr. Czelusta pointed out, there are existing 2<sup>nd</sup> story, split level homes in the neighborhood. The addition would fit right in.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No**, can't erect a 3<sup>rd</sup> story without additional issues, there are a pool and deck on the east side, the west is the front yard and there is no room to expand to the south.

3. Whether the requested area variance is substantial? **No**, 15% expansion is a reasonably simple request.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **No**, there are already split level homes in the neighborhood, and erecting a third story would be more of visual a detriment on the neighborhood.

5. Whether the alleged difficulty was self-created; which consideration shall Be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance? **Argumentative**. They need the space, there is no other location to expand to, and beyond having to move, and this is their only option.

6. Whether it will create a hazard to health, safety or general welfare? **No**, it would have the same architectural characteristics as are common for that neighborhood.

**MOTION** by Brian Schumacher, seconded by Robert Dumke, to grant requested variance. Unanimous, Carried.

**MOTION** by Charles Gaffney, seconded by Robert Dumke, to adjourn into Executive Session, to discuss pending litigation at 6:40 PM. Carried.

**MOTION** by Brian Schumacher, seconded by Charles Gaffney, to adjourn the Executive Session at 6:54 PM. Carried.

**MOTION** by Charles Gaffney, seconded by Robert Dumke, to adjourn the hearing at 6:55 PM. Carried.

I respectfully submit,

Sue Galbraith, Clerk  
Zoning Board of Appeals